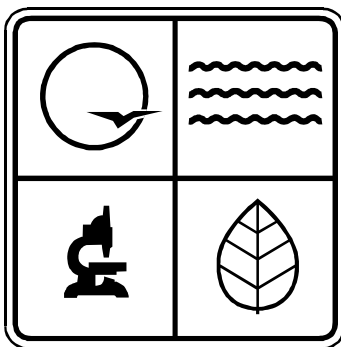


A Guide To

Missouri Department of Natural Resources

Permit Transfers



MISSOURI DEPARTMENT OF NATURAL RESOURCES
1-800-361-4827

Table of Contents

Introduction	i
Map of Regional Offices in Missouri	ii
Air Pollution Control Program	A1
Geological Survey and Resource Assessment Division	B1
Hazardous Waste Program	C1
Hazardous Waste Program, Underground Storage Tanks (UST)	D1
Land Reclamation Program	E1
Public Drinking Water Program	F1
Solid Waste Management Program	G1
Water Pollution Control Program	H1

Introduction

In Missouri's active business climate, it is not unusual for firms to change ownership. We at the Missouri Department of Natural Resources are made aware of scores of ownership changes each year. It is often the case that environmental permits held by the seller may be directly transferred to the buyer without going through the entire permitting process again. However, since ownership change is not a routine occurrence for most companies, there are not many people familiar with the procedures for transferring ownership of environmental permits. This booklet is to help the buyer and seller answer many of the initial questions and smooth the overall transfer process.

Specifically, this booklet will give information and guidance on which permits can be transferred, the nature of information required, public notice requirements, forms, fees, timing and who to contact. This booklet is not intended to replace personal contact with the permitting agencies, but it will arm buyers and sellers early in the process with the information needed to assure continuity of environmental permits.

The booklet is set up as a series of tables, each table covering the permits or registrations of a permitting program within the department. If a program requires forms be submitted for permit transfer, forms and instruction or guidance are provided after the appropriate table unless they are too lengthy. Forms that are provided will be noted on the tables. Again, we urge you to contact the appropriate programs for specific details on permit transfer. When you contact them, have the existing permit numbers on hand to allow ready reference.

If you should need basic information on permitting, ask for the publication "Environmental Permits and How To Obtain Them", published by the department. Should you ever require multiple permits, you may contact the environmental permit coordinator, (573) 751-6892, to assist in arranging a one stop pre-application meeting. If completing the permitting process (es) poses a significant hardship for your facility, we encourage you to contact the department's Environmental Assistance Office at (573) 526-6627 or toll free at 1-800-361-4827.

Permits are a necessary part of the environmental business because it is your first and best shot at assuring environmental protection and compliance. It is the department's goal to make the permitting process as timely, protective and cost effective as possible. If you have suggestions as to how improvements can be made we would certainly like to hear from you.

Good luck in your business and environmental endeavors.

Department of Natural Resources Regional and Satellite Offices Map

Permit Transfer Requirements Table

Air Pollution Control Program

TRANSFER REQUIREMENTS	APCP Construction Permit	APCP Operating Permit	APCP Open Burning Permit	APCP Asbestos Contractor Registration	APCP Asbestos Abatement Notification
Permit Transferable	Yes	Yes	No	No	No*
Forms and Other Information Required	Letter of Notification	Letter of Notification			
Inspection Required	No	No			
Public Participation Required	No	No			
Fees Required	No	No			
Transfer Time Frame	Upon receipt of complete transfer information	Upon receipt of complete transfer information			
Reg or Law Cite for Transfer	10 CSR 10-6.060	10 CSR 10-6.065			
Program Contact	Construction Permit Unit, APCP, (573) 751-4817	Operating Permit Unit, APCP, (573) 751-4817	Regional Offices – See R.O. Map for office in your area	Enforcement Section, APCP, (573) 751-4817	Enforcement Section, APCP, (573) 751-4817
Notes					* A ten day reduction in waiting time is allowed.

Permit Transfer Requirements Table

Geological Survey and Resources Assessment

TRANSFER REQUIREMENTS	GSRAD Oil and Gas Well Drilling Construction/Operating Permit	GSRAD Dam and Reservoir Safety Permits	GSRAD Water Well Certification and Registration
Permit Transferable	Existing wells can have operating permit reassigned.	Yes	Yes
Forms and Other Information Required	* Organization report (OGC-1) * Bonding form (OGC-2)	Letter of Notification requested	Letter of Notification requested
Inspection Required	No	No	No
Public Participation Required	No	No	No
Fees Required	No	No	No
Transfer Time Frame	Immediately upon receipt of required information.	Immediately upon receipt of request to transfer from the seller to the buyer.	Immediately upon receipt of request to transfer from the seller to the buyer.
Reg or Law Cite for Transfer	10 CSR 50-2.030(11) 10 CSR 50-2.010(3) 10 CSR 50-2.020(1)	10 CSR 22-2.090	Transfers not addressed
Program Contact	Wellhead Protection Section, GSRAD, (573) 368-2165	Dam and Reservoir Safety, GSRAD, (573) 368-2175	Wellhead Protection Section, GSRAD, (573) 368-2165
Notes	It is the seller's responsibility to assure the buyer has met the bonding requirements; the seller's bond will not be released until it is replaced.	The permit holder of record will be held responsible for maintaining compliance.	Certification and registration are given to the well.

Permit Transfer Requirements Table

Hazardous Waste Program

TRANSFER REQUIREMENTS	HWP Hazardous Waste Facility Permit	HWP Hazardous Waste Resource Recovery Certification	HWP PCB Facility Permit	HWP Hazardous Waste Generator Registration	HWP Hazardous Waste Transporter License
Permit Transferable	Yes	Yes	Yes	Yes	No
Forms and Other Information Required	Revised permit application. Includes violation history and financial assurance.	Written request 60 days prior to change. May require financial assurance.	Revised permit application. Includes violation history and financial assurance.	Notification of Requested Waste Activity Form: MO 780-1164 (included)	
Inspection Required	No	No	No	No	
Public Participation Required	Facility must notify those on facility mailing list.	No	Facility must notify those on facility mailing list.	No	
Fees Required	No	No	None	\$100 Registration fee for new registrations or reactivations.	
Transfer Time Frame	90 days prior to change	60 days	90 days prior to change	15 – 30 days	
Reg or Law Cite for Transfer	10 CSR 25-7.270 40 CFR 270.40	10 CSR 25-9.020 (3)(E)1.	10 CSR 25-7.270 40 CFR 270.40	10 CSR 25-5.262 (2)(A)	
Program Contact	Permits Section, HWP, (573) 751-3176	Permits Section, HWP, (573) 751-3176	Permit Section, HWP, (573) 751-3176		
Notes	Change of ownership is a class I permit modification with prior director approval		Change of ownership is a class I permit modification with prior director approval		

[Notification of Regulated Waste Activity, MO 780-1164](#)

Permit Transfer Requirements Table

Hazardous Waste Program (UST)

TRANSFER REQUIREMENTS	<i>HWP</i> Underground Storage Tank Registration	<i>HWP</i> Underground Storage Tank House Bill 251 Site Registration	<i>HWP</i> Underground Storage Tank Insurance Policy
Permit Transferable	Yes	N/A. Eligibility is for, and remains with, the site.	Yes
Forms and Other Information Required	* Amended Registration form (MO- UST-1) signed by new owner (included) * Proof of Financial Responsibility.		* Policy assignment forms. (included) * Amended Registration form (MO-UST-1) (included) * Proof of ability to cover policy deductible.
Inspection Required	No		No
Public Participation Required	No		No
Fees Required	No		No
Transfer Time Frame	Approximately 30 days for processing.		Must apply within 30 days of change of ownership.
Reg or Law Cite for Transfer	10 CSR 20-10.022; Sections 319.120,.123,.131,.133 RSMo	Section 319.131.9, RSMo	Sections 319.131 and .133, RSMo
Program Contact	Registration Unit, HWP, (573) 751-6822	Williams & Co., 1-800-765-2765	Williams & Co., 1-800-765-2765 or Registration Unit, HWP, (573) 751-6822

Petroleum Storage Tank Notification & Registration, MO 780-1782



POLICY ASSIGNMENT FORM

CURRENT TANK OWNER – Please complete this section:

I hereby transfer all of my rights and duties under policy number _____ to _____. I understand that I can make no new claim under this policy after PSTIF approves this assignment, although I am still eligible to receive benefits for any eligible claim filed under this policy for which I have properly given notice, subject to the terms and conditions established by the PSTIF Board of Trustees.

Signature of Authorized Representative

Date of Signature

Print Name of Authorized Representative

Date Tank Ownership changed

NEW TANK OWNER – Please complete below:

I hereby accept the transfer of all rights and duties under policy number _____ from _____. I understand that I cannot make a new claim under this policy until PSTIF approves this assignment.

Signature of Authorized Representative

Date of Signature

Print Name of Authorized Representative

Date Tank Ownership changed

.....
The Fund participant accepting the assignment of the policy must complete the information listed below. In addition, documentation demonstrating the ability to pay the \$10,000 deductible must be submitted to our office.

NEW TANK OWNER INFORMATION:

Legal Name: _____

Mailing Address: _____

City, State & Zip: _____

Phone Number: _____

Please indicate which type of legal entity you are:

☐ Sole Proprietorship ☐ Corporation ☐ Partnership ☐ Other, please explain: _____

TANK OPERATOR INFORMATION:

Legal Name: _____

Mailing Address: _____

City, State & Zip: _____

LAND OWNER INFORMATION:

Legal Name: _____

Mailing Address: _____

City, State & Zip: _____

MORTGAGEE INFORMATION (If any):

Legal Name of Mortgagee: _____

Mailing Address: _____

City, State & Zip: _____



HOW DO I SHOW THAT I CAN PAY THE DEDUCTIBLE?

There are many ways to do this:

1. **Prove that you have sufficient financial assets to pay the \$10,000 yourself, by showing you have –**
 - net worth of at least \$100,000
 - working capital of at least \$50,000
2. **Obtain a Letter of Credit from your bank for \$10,000.**
(Model wording is available.)
3. **Pledge one or more Certificates of Deposit, and have your bank provide proof that the CDs will be held for this purpose.**
(A model letter for your bank to use is available.)
4. **Get a written guarantee from a third party that they will pay the \$10,000 if needed.**
(Model wording is available.)
5. **Get a letter from your banker attesting to your ability to pay the \$10,000.**
(A model letter is available.)
6. **Provide some other reasonable documentation such as a bond, an assignment of life insurance or annuity contract, etc.**

11/96

The MO PST Insurance Fund is a state fund administered by the PSTIF Board of Trustees through Williams & Company, a private contractor.

Permit Transfer Requirements Table

Land Reclamation Program

TRANSFER REQUIREMENTS	<i>LRP</i> Industrial Mineral Surface Mining Permit	<i>LRP</i> Coal Exploration Permit	<i>LRP</i> Surface Coal Mine and Reclamation Permit	<i>LRP</i> Metallic Mineral Waste Management Permit
Permit Transferable	Yes	Yes	Yes	No
Forms and Other Information Required	<ul style="list-style-type: none"> * Permit Transfer Form (included) * Site Info Form (included) * Mine Plan (for operation change) * Appropriate financial assurance form * Consent to Entry form (included) 	<ul style="list-style-type: none"> * Applicant Information * Bond 	<ul style="list-style-type: none"> * Section I of Application Form * Bond * Liability Insurance * Consent to Entry form (included) 	
Inspection Required	No	No	No	
Public Participation Required	45 day public comment period. Public notice published in local newspaper one per week for four consecutive weeks. Notice sent certified mail to all adjacent land owners and county commission.	60 day public comment period after publishing in local newspaper. Public hearing if requested. (public notice example included)	60 day public comment period after publishing in local newspaper. Public hearing if requested. (public notice example included)	
Fees Required	No	\$100	\$100	
Transfer Time Frame	45 days from receipt of complete application if no hearing requested.	90 days from receipt of complete application.	90 days from receipt of complete application.	
Reg or Law Cite for Transfer	10 CSR 40-10.020 and Section 444.772 RSMo	10 CSR 40-6.090(10) and Section 444.815.2 RSMo	10 CSR 40-6.090(10) and Section 444.815.2 RSMo	
Program Contact	Non-Coal Unit, LRP, (573) 751-4041	Permitting & Liability Release Unit, LRP, (573) 751-4041	Permitting & Liability Release Unit, LRP, (573) 751-4041	Non-Coal Unit, LRP, (573) 751-4041

Open Pit Operations

In-Stream Sand and Gravel Operations

Part 1

Part 2

Land Reclamation Program, Surface Coal Mining

Guidelines for Transfer, Assignment or Sale

(from the *Administrative Guidelines for Surface Coal Mining Permit Applications*, page 25)

A. Definition of Ownership and Control

To have effective control over the rights granted in a permit that person or entity must be capable of directly or indirectly revising the terms and conditions of the permit or in some other way affecting the manner in which the operations are conducted.

Persons having ownership or effective control of mining operations are required to be identified under 10 CSR 40-6.030(1). Usually, the following persons or business entities have ownership or control:

- Permittee
- Operator
- Resident Agent
- Officers
- General Partners
- Director
- Principle Shareholders
- Persons who Hold the Above Positions in Parent Corporations

In addition to the above, the following persons or business entities having any one or a combination of the relationships described below are considered as having ownership or control:

- Persons having the ability to commit the financial or real property assets or working resources of the mining operation;
- Any person, based on the instruments of ownership or the voting securities of a corporate entity, owning 10 through 50 percent of the permit holding entity or of the entity's parent corporation;
- Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

All of the above positions and relationships are presumed to constitute ownership or control unless a person can demonstrate that the person or business entity does not have the authority directly or indirectly to determine the manner in which the relevant mining operation is conducted.

B. Requirements for Filing an Application for Transfer

Regulations at 10 CSR 40-6.090(2)(B) define a transfer, assignment or sale as a change in ownership or other effective control over the right to conduct surface coal mining operations. Under this definition, any addition to or replacement of the person(s) or entity(s) listed in Item A (above) constitutes a transfer. Therefore, the requirements to file a transfer are not restricted to a transfer of the permit from one business to another. Any person is a successor to permit rights when that person assumes enough authority on the basis of their association with the permitting entity to have notable influence on the mining operation as defined by Item A (above).

C. Application Requirements

There are considerably more application requirements when a permit is transferred to a new permittee than when one officer, director or partner changes. Because of this, transfers to new permittees are considered as "major" transfers and all other transfers are "minor" transfers.

Land Reclamation Program, Surface Coal Mining Guidelines for Transfer, Assignment or Sale

1. Major transfers

If the transfer involves a new permittee, the transfer application must include a revised permit application form prepared in accordance with Section 1 of the technical portion of the permit application guidelines. The application form must contain all the required information (as described below) concerning the new group of persons or business entities receiving ownership and control of the operations.

a. Compliance information

The application must contain the necessary compliance information required by 10 CSR 40-6.030(2) relative to the successor to any subsidiary, affiliate, or persons controlled by or under common control with the successor.

b. Right of Entry

The application must contain evidence of the right of entry granted to the successor by each of the surface owners or by any other means.

c. Liability Insurance

The application must contain copies of the insurance certificates meeting the requirements of 10 CSR 40-7.050 for the successor.

d. Other Necessary Leases

The application must contain evidence that all owners of dwellings the mining operations will affect within 300' have waived the right to maintain the 300' buffer zone.

e. Other Licenses and Permits

The application must identify all other licenses and permits required by the successor for surface coal mining operation. The list shall identify each license and permit by :

- type of permit or license
- name and address of issuing authority
- I.D. numbers of the permits and licenses
- date of approval or disapproval

2. Minor Transfers

Transfers involving only the change or addition of an officer, operator, resident agent, partner, director or shareholder will not require a total resubmittal of the permit application form. However, because changes in these positions do constitute a transfer, all of the normal compliance information must be resubmitted. The one hundred dollar revision fee and the public notice are also required for minor transfers.

D. Public Notice

The applicant of a transfer must advertise once the filing of the transfer application in a newspaper of general circulation in the locality of the mining operations. The notice shall contain:

- Name and address of the new persons or business entities involved
- Permit number
- Geographic location of the operations
- Address to which comments may be sent (Director, Land Reclamation Program, Department of Natural

Land Reclamation Program, Surface Coal Mining Guidelines for Transfer, Assignment or Sale

Resources, P.O. Box 176, Jefferson City, Missouri 65102)

A publisher's affidavit must be submitted to the Land Reclamation Program as proof of the publication.

E. Bonding

If the transfer involves a new permittee, all pre-existing bonds must be replaced by bonds secured by the new permittee. New bonds must be equal to the effective obligation at the time of the transfer and must meet the bonding requirements of 10 CSR 40-7.011.

F. Fees

Pursuant to 10 CSR 40-6.010(6), a fee of \$100 shall be paid with the filing of all transfer application. All unpaid acreage fees must be paid at the time the transfer is filed unless the successor agrees to assume the payments as scheduled with the original permittee.

G. Permit Revisions

A new permittee or operator must review the permit to reflect the changes he will make to the operations of the mine. Common changes which occur during transfers include:

- revised blasting plans
- revised equipment list
- change in laboratory facilities to be used for water quality analyses
- change in signs and markers plan

Such changes must be filed within thirty days of the date the transfer is approved.

The certified maps and drawings within a permit are not required to be revised to show new signature blocks until future revisions to the sheets are made.

A \$100 revisions fee will not be charged for revisions filed within 30 days of the transfer provided the revisions are associated with the transfer.

H. Partial Transfers

If a major transfer affects only a portion of an existing permit, the applicant for the transfer must submit an entirely separate permit document with 30 days of the approval of the transfer. The new permit document must include all the necessary information to stand alone as a separate permit area. All provisions of the original permit shall remain effective for the transferred portion until the new document is approved.

I. Permit Reissuance

All transferred permits (major transfers) shall be reissued for the original permit term and expiration date. The permit numbers of transferred permits shall be the same as the original permit number except that the number will be followed by the letter "T".

J. Notification

For all transfers, the Land Reclamation Program shall notify the permittee, the successor, commenters and OSM of its finding. The successor shall immediately provide notice to the Land Reclamation Program of the consummation of the transfer.

Permit Transfer Requirements Table

Public Drinking Water Program

TRANSFER REQUIREMENTS	PDWP Construction Permit	PDWP Permit to Dispense
Permit Transferable	Yes	Yes
Forms and Other Information Required	None. Letter of notification requested	None. Letter of notification requested
Inspection Required	No	No
Public Participation Required	No	No
Fees Required	No	No
Transfer Time Frame	N/A	N/A. Permit will remain in effect no matter who the owner is until revoked for cause.
Reg or Law Cite for Transfer	No reference to transfers.	No reference to transfers.
Program Contact	Permits Section, PDWP, (573) 751-5331	Permits Section, PDWP, (573) 751-5331
Notes	PDWP construction permits are issued to the facility, and are not affected by changes in ownership, officers, etc. Construction permits are effective for two years.	Permits to Dispense are operating permits, are issued to the facility, and are not affected by changes in ownership, officers, etc. If the facility name changes, PDWP re-issues the permit to dispense in the new name of the facility.

Permit Transfer Requirements Table

Solid Waste Management Program

TRANSFER REQUIREMENTS	SWMP Solid Waste Disposal Area Permit	SWMP Solid Waste Processing Facility Permit	SWMP Infectious Waste Processing Facility Permit	SWMP Waste Tire Site Permits & Processing Facility	SWMP Waste Tire Hauler Permit
Permit Transferable	Yes	Yes	Yes	No	No
Forms and Other Information Required	* Information on transfer of ownership * Violation Disclosure Statement * Updated operation and design plans * A financial assurance instrument	* Information on transfer of ownership * Violation Disclosure Statement * Updated operation and design plans	* Information on transfer of ownership * Violation Disclosure Statement * Updated operation and design plans		
Inspection Required	No	No	No		
Public Participation Required	No	No	No		
Fees Required	No	No	No		
Transfer Time Frame	6 months	6 months	6 months		
Reg or Law Cite for Transfer	Section 260.205.16 RSMo. (Senate Bill 60)	Section 260.205.16 RSMo. (Senate Bill 60)	Section 260.205.16 RSMo. (Senate Bill 60)		
Program Contact	Engineering Section, SWMP, (573) 751-5401	Engineering Section, SWMP, (573) 751-5401	Engineering Section, SWMP, (573) 751-5401	Enforcement Section, SWMP, (573) 751-5401	Enforcement Section, SWMP, (573) 751-5401

Permit Transfer Requirements Table

Water Pollution Control Program

TRANSFER REQUIREMENTS	WPCP Construction Permit	WPCP Operating Permit/General	WPCP Operating Permit / Site Specific	WPCP Underground Injection Control	WPCP Confined Animal Feeding Operations	WPCP Letters of Approval form Land Application
Permit Transferable	No	Yes/No**	Yes	Yes	Yes – except for general permits	Yes
Forms and Other Information Required		“Application for Transfer of Operating Permit” (included)	“Application for Transfer of Operating Permit” (included)	“Application for Transfer of Operating Permit” (included)	Form F – Part I (included)	Form F – Part I (included)
Inspection Required		No*	No*	No*	No*	No*
Public Participation Required		No	No	No	No	No
Fees Required		Yes – 25% of annual fee	Yes – 25% of annual fee	Yes – 25% of annual fee	No	No
Transfer Time Frame		30 days	30 days	30 days	30 days	30 days
Reg or Law Cite for Transfer		10 CSR 20-6.010(11)	10 CSR 20-6.010(11)	10 CSR 20-6.070(6) 10 CSR 20-6.090(7)	10 CSR 20-6.010(11)	10 CSR 20-6.300(5)(H)
Program Contact	Appropriate Regional Office (See Map)	Permit Section, WPCP, (573) 751-6825	Appropriate Regional Office (See Map)	Permit Section, WPCP, (573) 751-6825	Permit Section, WPCP, (573) 751-6825	Permit Section, WPCP, (573) 751-6825

* Generally not, unless application form or information known about the site shows a concern or a change in process or waste treatment.

** Those which can not be transferred state so in permit.

[Application for Transfer of Operating Permit, MO 780-1517](#)

[Form F, MO 780-0725](#)